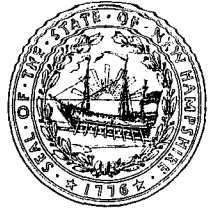




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Franchi Management Co., Inc.  
182 West Central Street, Suite 303  
Natick, MA 01760

565  
LETTER OF DEFICIENCY  
WD WQE 04-08  
August 2, 2004

Attn: Mr. Pat Franchi

Re: Meadow Green Subdivision, Bartlett, NH  
Site Specific Permit #WPS-4889-C

Dear Mr. Franchi:

On the dates listed below, personnel from the Department of Environmental Services ("DES") received reports and/or documented deficiencies during inspections on the subject property. The purpose of the inspections was to determine compliance with RSA 485-A:17 and applicable rules promulgated pursuant thereto. The deficiencies that were documented are as follows:

1. October 31, 2003:

DES received a report that:

- a. Stormwater runoff from the Meadow Green Subdivision ("Subdivision") had caused drainage problems along Route 16A downstream of Pond 300; and
- b. Seepage was observed emanating from the ground below the downhill slope/dam of Pond 300.

2. December 19, 2003:

- a. DES received a report that drainage from Pond 300 overtopped a ditch along the easterly side of Route 16A and flooded a downstream property(ies) west of Route 16A; and
- b. DES personnel determined from the pattern of erosion and sedimentation on and off site that:
  - i) Water flowing from the slopes north and east of Pond 300, draining into a swale which is located south of the pond ("southerly swale") and discharging to the pond, exceeded the capacity of the southerly swale and overtopped its channel banks. As a result, sediments were deposited on abutting property(ies) to the south; and
  - ii) Sediment-laden water discharging into Pond 300 has deposited sediment in the pond, thus reducing its storage capacity.

3. February 27, 2004:

Adequate temporary erosion and sediment controls had not been installed during earth-moving activities for the construction of a section of water line located upgradient and east of Pond 300 ("Water Line").

4. March 10, 2004:

- a. Soil erosion was observed on the slopes north and east of the southerly swale that drains to Pond 300.
- b. A thick layer of sediments had been deposited in the southerly swale.
- c. DES personnel determined from the pattern of erosion on- and off-site that stormwater runoff had exceeded the capacity of the southerly swale, overtopped its channel banks, and caused erosion on abutting property(ies) to the south.
- d. The riser pipe of Pond 300 had not been built in accordance with the plans referenced as part of the Site Specific Permit ("Permit").

5. April 2, 2004:

- a. The temporary erosion and sediment control measures that had been installed in the area of the Water Line were not preventing erosion and sedimentation.
- b. The area disturbed to construct the Water Line had not been stabilized.
- c. A large volume of water was discharging through a culvert downstream of Pond 100, at approximately Station 2 + 10 of the lower road of the Subdivision (Road #2), and then flowing in an uncontrolled manner across the area of the unstabilized Water Line. This area had been severely eroded and was observed eroding during the inspection. As a result, sediment-laden water was draining into Pond 300.
- d. Uncontrolled runoff across the area of Water Line construction, and seepage from slopes north and east of Pond 300 were causing erosion of the slopes upgradient of the pond.
- e. DES personnel determined from the pattern of erosion and sedimentation that runoff across the Water Line and seepage from slopes north and east of Pond 300 caused erosion of the slopes near the inlet of the pond and sediments to be deposited in the pond, thus reducing its storage capacity.

- f. A slope just upgradient of the southeast corner of Pond 300 exhibited significant erosion. Sediment-laden water from this area was draining into Pond 300.
- g. The lower section of the southerly swale that drains to Pond 300 exhibited significant erosion. Sediment-laden water was draining from this area into the pond.
- h. Seepage was emanating from the ground below the downhill slope/dam of Pond 300.
- i. Sediment-laden water was draining out of Pond 300 into a ditch along the east side of Route 16A, through a culvert under Route 16A, and then onto a downstream property west of Route 16A.
- j. The sides of the ditch along the east side of Route 16A were undermining and collapsing.

DES believes that the cited deficiencies can be resolved by:

1. Submitting a report to DES that includes as-built plans ("As-Builts") for Ponds 100 and 300 and their associated structures. The As-Builts should:
  - a. Include pond dimensions, invert elevations, and both inlet and outlet structure types and sizes.
  - b. Include an evaluation of the structural integrity of the downhill slope/dam of Pond 300.
  - c. Include a written description of deficiencies noted and proposed corrective measures for any and all deficiencies found.
  - d. Be stamped by a Professional Engineer licensed in the State of New Hampshire ("PE"), and
  - e. Be submitted to DES **within 30 days** of the receipt of this Letter of Deficiency ("LOD").
2. Implementing any and all corrective measures recommended by the PE relative to Ponds 100 and 300 and their associated structures **within 60 days** of the receipt of this LOD.

August 2, 2004

3. Submitting an erosion and sediment control and stabilization plan (ESC Plan) to DES. The ESC Plan should:
  - a. Include proposed methods and details to be used to correct all erosion, sedimentation and stabilization deficiencies related to the Subdivision.
  - b. Be prepared and stamped by either a PE or a Certified Professional in Erosion and Sediment Control ("CPESC").
  - c. Be submitted to DES within 30 days of the receipt of this Letter of Deficiency ("LOD").
4. Implementing any and all corrective measures recommended by the PE or CPESC and shown on the ESC Plan within 60 days of the receipt of this LOD.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against the Property.

All documents submitted in response to the Letter of Deficiency should be addressed as follows:

Department of Environmental Services  
Water Division  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Attn: Ridgely Mauck, Site Specific Program

Please note that Site Specific Permit WPS-4889-C expires on October 11, 2004. A permit extension should be requested for any remedial work beyond that date. Should you have any questions regarding this letter, please contact either Denise Frappier at 466-5910 or myself at 271-2303.

Sincerely,

  
**COPY**  
Ridgely Mauck, PE  
Land Resources Management Program

RAM/DMF/rb

Certified Mail, RRR 7099 3400 0003 0688 0061

cc: Gretchen R. Hamel, Legal Unit Administrator  
Denise M. Frappier - WQE/LRMP/WD/DES  
Bartlett Board of Selectmen  
Bartlett Planning Board  
Brian Schutt, NHDOT, District One  
R. Douglas Briggs